



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, FFT

Introduction

This hearing was scheduled to convene at 1:30 p.m. on January 19, 2023 by way of conference call concerning an application made by the tenants seeking a monetary order for money owed or compensation for damage or loss under the *Residential Tenancy Act*, regulation or tenancy agreement and to recover the filing fee from the landlord for the cost of the application.

One of the tenants attended the hearing, gave affirmed testimony, and represented the other tenant. However, the line remained open while the telephone system was monitored for 10 minutes prior to hearing any testimony and no one for the landlord joined the call.

The tenant indicated that the landlord was served with the Notice of Dispute Resolution Proceeding and evidence by email and by registered mail the day after receiving it from the Residential Tenancy Branch, but does not recall the date. The hearing proceeded in the absence of the landlord, however I alerted the tenant that proof of such service must be provided before a Decision would be rendered. The tenants have not provided proof that the landlord has been served, and therefore, I dismiss the tenants' application with leave to reapply.

I have made no findings of fact or law with respect to the merits of this matter.

Conclusion

For the reasons set out above, the tenants' application is hereby dismissed with leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: February 02, 2023

Residential Tenancy Branch